



## MILLE LACS BAND OF CHIPPEWA INDIANS

June 14, 2011

Ms. Kallie Hanley  
Office of the Secretary  
U.S. Department of the Interior  
consultation@doi.gov

Dear Ms. Hanley:

I am the Chief Executive of the Mille Lacs Band of Ojibwe. The Mille Lacs Band is a federally recognized Indian tribe located in East Central Minnesota with more than 4,000 enrolled members. The Band is a signatory to several treaties with the United States and signed one of the first self-governance compacts with the Department of the Interior.

We have reviewed with great interest the Department of the Interior's proposed consultation policy with Indian tribes, dated May 17, 2011. The Mille Lacs Band appreciates the Department's efforts and respectfully submits the following comments on the Department's draft.

Our two most significant comments are:

1. This draft does not adequately acknowledge inter-tribal conflict. The needs and demands of one tribe regularly conflict with those of another tribe, putting the Department in the difficult position of either choosing one side over another or resolving the conflict directly or indirectly. We urge the Department to consider its role in addressing a situation such as a tribal trust application. If one tribe wants to place land in trust in an area that another tribe opposes, the Department's consultation procedure must be clear.
2. This draft does not address the issue of consultation potentially being used as a justification for federal inaction. Federal agencies have regularly delayed implementation of a decision or deferred decision-making to the next administration or political cycle, citing the need for tribal consultation. We urge the Department to include language in the consultation policy that provides a path to settle differences and act on decisions in a timely manner.

The Mille Lacs Band also has the following comments on specific sections of the proposal:

- Section I., sentence 2 – Please insert “help to” before “meet.”
- Section II., paragraph 1, sentence 2 – Please insert the following as the second sentence: “Where the Department finds such a conflict to exist, the Department shall report the conflict to the affected Indian tribes and to the Congress, along with a recommendation as to how the conflict should be resolved.”
- Section II., paragraph 2, sentence 2 – Please insert “negotiation, decision-making,” before “disposition.”
- Section III, definition 4 – Please replace “including” with “or on such matters as” before “but not limited to.”
- Section III, definition 4, points 2 and 3 – Please further divide as follows with a few suggested revisions:
  - “2. The ability of an «Indian Tribe» to govern or provide services to its members;
  - “3. An «Indian Tribe»’s relationship with the Department; or
  - “4. The distribution of responsibilities between the Department and «Indian Tribes».

This term does not include matters that are the subject of litigation or in litigation settlement negotiations, or matters undertaken in accordance with an order of an administrative or judicial tribunal upon which the Department has no discretion with respect to consultation.”

Section IV., paragraph 2, sentence 2 – How will the effectiveness of consultation activities be measured, and by whom? Please expand on the concept of effectiveness and evaluation to further ensure accountability.

Section IV., paragraph 4 – Please insert “allocate and distribute” before “the block grants” and replace “grants” with “grant funds.”

Section VI., point D – Please consider making the Tribal-Federal consultation team (mentioned in point C) the responsible party for soliciting tribes’ evaluation.

The Mille Lacs Band commends the Department of the Interior on its ongoing effort to provide improvements to the consultation process with tribes. Mii gwech (thank you) for your kind consideration of the Band’s comments.

Sincerely,



Marge Anderson  
Chief Executive